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PTO/SB/21 (08-00)

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TRANSMITTAL
FORM

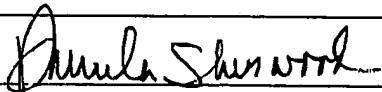
(to be used for all correspondence after initial filing)

		Application Number	09/392,822
		Filing Date	September 9, 1999
		First Named Inventor	YU, DE-CHAO
		Group Art Unit	1632
		Examiner Name	WOITACH, JOSEPH T.
Total Number of Pages in This Submission	16	Attorney Docket Number	CELL-014

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	Change of Correspondence Address	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	1. Fax Cover Sheet
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> CD, Number of CD(s) _____	2. Reference
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

From or Individual Name	PAMELA J. SHERWOOD, Reg. No. 36,677	
Signature		
Date	March 4, 2002	

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office at the 1650-60 Art Unit's following fax number: (703) 308-1242 on this date: March 4, 2002.

Typed or printed name	Susan M. Alessi	Date	March 4, 2002
Signature			

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0851-0032

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 120.00)

Complete if Known	
Application Number	09/392,822
Filing Date	September 9, 1999
First Named Inventor	YU, DE-CHAO
Examiner Name	WOITACH, JOSEPH T.
Group Art Unit	1632
Attorney Docket No.	CELL-014

METHOD OF PAYMENT

FEE CALCULATION (continued)

1. The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:
 Deposit Account Number 50-0815
 Deposit Account Name Bozicevic, Field & Francis LLP
 Charge Any Additional Fee Required
 Under 37 CFR 1.16 and 1.17
 Applicant Claims small entity status.
 See 37 CFR 1.27

2. Payment Enclosed:

Check Credit Card Money Order Other

FEE CALCULATION

2. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	200 185	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1)

1. EXTRA CLAIM FEES

Fee from Extra Claims below				Fee Paid
<u>Total Claims</u> 24 - 20** = 4. x 9.00 = 36.00				
<u>Independent Claims</u> 5 - 3** = 2. x 12.00 = 24.00				
<u>Multiple Dependent</u> =				

Large Entity Fee Code (\$)

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 0	Claims in excess of 20
102 84	212 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 120.00

**or number previously paid, if greater, for Reissues, see above.

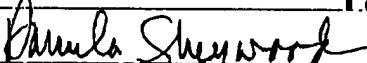
3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
138 130	139 130	Non English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examination action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 960	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 820	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
501 40	501 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	For each additional invention to be examined (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
188 900	109 900	Request for expedited examination of a design application	

Other fee (specify): _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Pamela J. Sherwood	Registration No. (Attorney/Agent)	36,677	Telephone (650) 327-3400
Signature			Date	03/04/2002

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Typed or Printed Name	Susan M. Alessi
Signature	<i>Susan M. Alessi</i>

Date 3/4/2002

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BOZICEVIC, FIELD & FRANCIS LLP

MAR 05 2002

GROUP 1600

200 Middlefield Road
Suite 200
Menlo Park, California 94025
Telephone (650) 327-3400
Facsimile (650) 327-3231

Date: March 4, 2002

To: Examiner Joseph T. Woitach, Art Unit-1632
United States Patent and Trademark Office

Facsimile No.: (703) 308-4242

From: Pamela J. Sherwood, Reg. No. 36,677
Bozicevic, Field & Francis LLP

Re: U.S. Patent Application No. 09/392,822 for
Title: ADENOVIRUS VECTORS CONTAINING CELL,
STATUS-SPECIFIC RESPONSE ELEMENTS AND METHODS
OF USE THEREOF
Inventor(s): De-Chao Yu
Filed: September 9, 1999
Attorney Docket: CELL-014

Enclosed:

- Transmittal (1 page)
- Fee Transmittal in Duplicate (2 pages)
- Preliminary Amendment (7 pages)
- Cited Reference (5 pages)

For problems with this transmission please contact Susan M. Alessi by phone at 650-833-7714 or via email at Alessi@bozpat.com.

Total number of pages, including this cover sheet: 16

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Typed or Printed Name	Susan M. Alessi
Signature	

Date March 4, 2002

PRELIMINARY AMENDMENT Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	CELL-014
	First Named Inventor	D. Yu
	Application Number	09/392,822
	Filing Date	September 9, 1999
	Group Art Unit	1632
	Examiner Name	Joseph T. Woitach
	Title:	<i>Adenovirus Vectors containing Cell Status-Specific Response Elements and Methods of Use thereof</i>

Sir:

Prior to examination, Applicants request entry of the following amendments.

IN THE CLAIMS

Please replace the pending claims with the correspondingly numbered claims below. Claims added herein are noted by the text in parentheses.

1. A replication-competent adenovirus vector comprising, a hypoxia responsive element (HRE) operably linked to an adenovirus gene essential for replication selected from the group consisting of E1A, E1B and E4, wherein said HRE comprises a binding site for hypoxia inducible factor-1.
8. The adenovirus vector of claim 1, wherein the HRE is human.
14. The adenovirus vector of claim 1, wherein said adenovirus gene essential for replication is operably linked to a composite regulatory element comprising said HRE and a cell-type specific transcriptional regulatory element (TRE).
15. The adenovirus vector of claim 14, wherein said cell type-specific TRE comprises a promoter.